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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/697,860 | 10/30/2003 | Terrence Anton | 10052-001 | 9768 |

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EXAMINER

GRAHAM, MARK S

ART UNIT PAPER NUMBER

3711

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,860

Applicant(s)

ANTON ET AL.

Examiner

Mark S. Graham

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33, 35-37, 39-48 and 52-64 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 and 52-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-33, 35-37, 39-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 22-30, 32, 33, and 35-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation that the holes are positioned such that they define only one sequence for playing the layout is without support in the originally filed application. While Fig. 2 referenced by applicant shows one sequence for playing there is no support for the new negative limitation that the holes only permit this sequence of playing the course. Though this is the applicant's intent that the holes be played in the sequence shown, there is no structural impediment to playing the holes in any sequence one desires as the claims now purport to require.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39, 40, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Beam. Jones discloses the claimed course with the exception the use of a substantially equal rectangular dimensions for each hole. However, as disclosed by Beam it is known in the art to use such an arrangement to save ground area. Note Beam's Fig. 1 and Col. 4,

lines 28-32. It would have been obvious to one of ordinary skill in the art to have provided Jones' holes in the same manner if it was desired to provide a more compact golf course.

Regarding the tee positioning Jones discloses that it is known to locate tees at various positions along the fairway. How the tee areas are used is not at issue.

Concerning claim 40, the examine took official notice that golf courses are commonly provided with extra space and swimming pools in country club settings to provide various activities and such is now admitted prior art. It would have been obvious to one ordinary skill in the art to have provided Jones' course in the same manner for the same reason.

Claims 22-28, 30, 32, 33, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Beam and Shaw. Jones discloses the claimed course with the exception the use of a substantially equal rectangular dimensions for each hole. However, as disclosed by Beam it is known in the art to use such an arrangement to save ground area. Note Beam's Fig. 1 and Col. 4, lines 28-32. It would have been obvious to one of ordinary skill in the art to have provided Jones' holes in the same manner if it was desired to provide a more compact golf course.

With regard to the irrigation system, as noted previously such are known in the art as typified by Shaw. It would have been obvious to one of ordinary skill in the art to have provided such with Jones course as well to provide irrigation.

Regarding the tee positioning Jones discloses that it is known to locate tees at various positions along the fairway. How the tee areas are used is not at issue.

Claims 29 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 22 and 44 respectively above, and further in view of Taniguchi. Claims 29

and 45 are obviated for the reasons set forth in the claim 22 and 44 rejection with the exception of the lighting. However, as disclosed by Taniguchi it is known in the art to use such on golf courses. It would have been obvious to one of ordinary skill in the art to have done the same with Jones' golf course to allow for night play.

Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 22 above, and further in view of Armstrong. Claims 35-37 are obviated for the reasons set forth in the claim 22 rejection with the exception of the target. However, it is known in the golf art to use such targets for golf games as disclosed by Armstrong. It would have been obvious to one of ordinary skill in the art to have used such on Jones' course as well to play a game such as that disclosed by Armstrong.

Claims 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 39 above, and further in view of Armstrong. Claims 35-37 are obviated for the reasons set forth in the claim 39 rejection with the exception of the target. However, it is known in the golf art to use such targets for golf games as disclosed by Armstrong. It would have been obvious to one of ordinary skill in the art to have used such on Jones' course as well to play a game such as that disclosed by Armstrong.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 40 above, and further in view of Aberg for the reasons set forth in the previous action's application of Aberg.

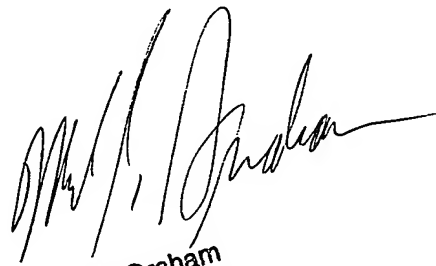
Applicant's arguments with respect to claims 22-30, 32, 33, 35-37, 39-48 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 571-272-4410.

MSG
4/4/06



Mark S. Graham
Primary Examiner